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THE GOVERNORSHIP OF ANDREW JACKSON

by HERBERT J. DOHERTY, JR.

It was a stifling hot day in July of 1821 but the inhabitants of Pensacola, Florida, and hundreds of recently arrived newcomers were all jammed into the town's central plaza. This was to be an important day in the lives of the people of Florida, for at ten o'clock in the morning the gaunt gray figure of Andrew Jackson would stalk from the governor's residence and cross the plaza to the government house where the ceremonies marking the transfer of the Floridas from Spain to the United States would be completed. As he sat in the governor's residence eating breakfast with his wife Rachel and the members of his staff, the old soldier may well have thought back to other days in Pensacola - for this was not the first time he had entered the ancient city. Twice in the previous seven years Jackson had led conquering armies into Spain's feeble North American outpost. Yet each of those earlier visits had been followed by the restoration of Spanish sovereignty, and this time Jackson was present for the purpose of terminating that sovereignty.

The first of those earlier visits had been provoked by the War of 1812 against Great Britain. Indian allies of the British posed a serious threat to the western frontier of the United States, and Florida served as a haven for marauding war parties and as a contact point between the Indians and British.

Note - Though his administration of Florida is but a minor episode of Andrew Jackson's life, it is an important one in *our* history. Six unpublished and unrecorded letters of his to Florida associates, relating largely to Florida affairs, which will be published here, have suggested this restudy of that subject, though it has been included to a more or less extent in the numerous biographies of Jackson.

Dr. Doherty, who has written much of Florida's territorial period, has gone to the original sources for this sketch. Three of the letters follow. The others will be included in an early issue of this *Quarterly* with an article by him on the Jacksonian faction in Florida, to members of which they were written. *Ed.*

Though not at war with the United States, Spain stood by with bland indifference while the British Navy and Indian agents openly made use of Florida as a base of operations. In the fall of 1814, Jackson led a force of three thousand men against British Marines at Pensacola, and on November 7 he drove them from the town and the Spanish bastion of Barrancas. Fearful that the fleeing Englishmen might be moving by sea toward Mobile or New Orleans, he then abandoned his Florida conquests and moved westward to prepare for the great battles at New Orleans in December and January. Thus ended the first visit.¹

The second visit occurred in the spring of 1818 when Jackson, a commanding general of the Southern Military Division, led an invasion of Florida which had been authorized by the War Department. The invasion had been agreed upon by the administration so that the commander in the field might not be hamstrung in fighting Indians who regularly took refuge across the border in Spanish territory. The only limitation upon Jackson was that he should not attack or molest any Spanish military post.² Jackson's personal feelings were that he should be allowed to put the entire peninsula under the stars and stripes, and he claimed that through Congressman John Rhea of Tennessee the administration gave approval to his plan. At any rate Jackson took St. Marks in April and Pensacola in May. He established Fort Gadsden on the Apalachicola river and ordered General Edmund P. Gaines to seize St. Augustine with the American troops which had been in possession of Amelia Island for many months. Though Secretary of War John C. Calhoun was able to countermand the latter order, Jackson was already in possession of West Florida. In Pensacola the general undertook to terminate Spanish rule by deposing

1. MS. "Journal of Governor R. K. Call," 81-84; Marquis James, *Andrew Jackson the Border Captain* (Indianapolis, 1933), 210-211.

2. John C. Calhoun to Andrew Jackson, December 26, 1817, in *State Papers*, 15 Congress, 2 Session, No. 14.

the officials, packing them off to Havana, and establishing a government of his own making. One of his officers, Colonel William King, was named governor and the revenue laws of the United States were proclaimed to be in effect.³

The diplomatic repercussions from Jackson's action included a temporary cessation of negotiations then in progress between the United States and Spain for the acquisition of the Floridas. The ensuing uproar persuaded the administration to recall Jackson and order the return of the provinces to Spain. Not, however, until February 8, 1819, was Pensacola restored to Spanish rule and Fort Gadsden and Amelia Island appear never to have been restored to Spanish control. Thus was Jackson's second visit terminated.⁴

The Cession

The treaty ceding Florida to the United States was signed only two weeks after the American evacuation of Pensacola, but it was not ratified by Spain for two years. Ultimately ratifications were exchanged and the treaty was proclaimed by President James Monroe on February 22, 1821. On March 3 Monroe was authorized by Congress to take possession of and provide for a government for the Floridas. He was directed to continue temporarily the existing form of government, except for laws concerning the revenue and the slave trade.⁵ It was not mere poetic justice that Monroe decided to entrust to Jackson the task of removing for the third time Spanish authority from the provinces. Under the economy moves of the Congress which reduced the size of the army, Jackson was to be relieved of his command and retired from the service on June 1, 1821.⁶ The Florida appointment would, in a measure,

3. *State Papers*, 15 Congress, 2 Session, Nos. 14, 100; also 16 Congress, 1 Session, No. 73.

4. David Yancey Thomas, *A History of Military Government in Newly Acquired Territory of the United States* (New York, 1904), 60, 63.

5. *Ibid.*, 65-66.

6. William A. Gordon, *A Compilation of Registers of the Army of the United States* (Washington, 1837), 204.

assuage any bitter feelings the old general might have and would get Monroe out of a ticklish spot.

On March 12, 1821, Secretary of State John Quincy Adams, at the direction of the president, forwarded to Jackson his commissions as governor and as commissioner to receive the provinces and carry the treaty into execution. The commission as governor granted him most of the governmental functions. He was legislator, executive, and judge. Specifically, he was to exercise "all the powers and authorities heretofore exercised by the governor and captain general and intendant of Cuba, and by the governors of East and West Florida." He was, however, denied the power to grant land or levy taxes.⁷ The vague law passed by Congress for the extending of authority to the Floridas had made mention of the powers of the first American governor of Louisiana, and Adams instructed Jackson that his powers were "conformable to those which were entrusted to the Governor of Louisiana" on the first occupation.⁸ In that instance all important civil and military functions had been fused into the gubernatorial office.

Jackson accepted the appointments on condition that he might resign as soon as he had effected the transfer and erected the new government. On April 12, the general and his lady sailed from Nashville for Blakeley, Alabama, by way of New Orleans. They were then to proceed overland to Montpelier where Jackson was ordered to await the arrival of Colonel James Forbes who was bringing to Pensacola the transfer orders from the Captain General of Cuba.⁹ On the journey down the Mississippi, Jackson met Henry M. Brackenridge of Pennsylvania, a lawyer, scholar, and linguist also en route to

7. John Quincy Adams to Andrew Jackson, March 12, 1821, Jackson Papers, Library of Congress; see also Jackson's Commission as governor in *State Papers*, 17 Congress, 1 Session, No. 42.

8. John Quincy Adams to Andrew Jackson, March 12, 1821, Jackson Papers.

9. John C. Calhoun to Andrew Jackson, March 22, 1821, Jackson Papers.

Pensacola. This gentleman had previously dabbled in diplomacy and, though Adams considered him a "mere enthusiast," Monroe had been sufficiently impressed to promise him an appointment in Florida. Jackson, too, was impressed and invited the urbane scholar to join him in the formation of the government of the new territory. On their arrival in Montpelier, Jackson sent Brackenridge and James C. Bronaugh, his personal physician and confidante, to Governor Jose Callava of West Florida to announce his mission and act as his representatives.¹⁰

The transfer negotiations were delayed by many circumstances which arose, and Jackson did not get control of the province until about two months after his arrival in Alabama. The first major obstacle was the tardiness of Forbes in bringing the orders from Havana. His delay there was due to the refusal of the authorities to give up the archives relating to Florida. When he finally arrived, on June 9, Callava entered into negotiations for the transfer, but the negotiations gave rise to another delay. Callava insisted that cannon were not a part of the fortifications which were to be surrendered and insisted upon taking them with him. Secretary Adams had foreseen this eventuality, however, and had suggested to Jackson that he give Callava receipts for the cannon and let higher authority deal with the issue. This Jackson did, and got in return from the Spanish receipts for the transportation and provisions which the United States provided to them.¹¹

Ultimately, impatience overcame Jackson and he moved with his troops on June 15 to a place only fifteen miles from Pensacola. Callava, meanwhile, had allowed Bronaugh to take over the governor's residence for Jackson and on June 28

10. James Parton, *Life of Andrew Jackson* (New York, 1860), II, 615-616; Claude M. Newlin, "Henry M. Brackenridge," Dumas Malone, editor, *Dictionary of American Biography* (New York, 1934), II, 543-544.

11. Andrew Jackson to John Quincy Adams, July 30, 1821, Jackson Papers.

Rachel Jackson was sent on to the city to await the arrival of her husband.¹² Although there was a controversy between Jackson and Callava at this time over the question of who should call upon whom first, probably a stronger motive for his refusal to enter Pensacola was an order from the president not to introduce any troops into the city until after the Spanish should have been evacuated. Adams cautioned that the "utmost delicacy" should be observed to avoid any friction between Spaniards and Americans, and Jackson had vowed to return only at the head of his troops. After several more weeks of negotiation and delay the arrangements were completed for effecting the transfer, to be on the morning of July 17, 1821.¹³

While the negotiations for the transfer had been progressing and Jackson had been cooling his heels at Montpelier, President Monroe had been taking the first steps toward organizing the new territorial government. On May 22 he had sent to Jackson orders creating two territorial secretaryships, two United States judgeships, two district attorneyships, and the office of United States Marshal. He also divided Florida into three revenue districts with a customs collector for each one. The revenue districts were Pensacola, St. Marks, and St. Augustine. The secretaries, judges, and attorneys were for East and West Florida, to be located in Pensacola and St. Augustine. The marshal was to locate at either place, but he was to name a deputy for the other city.

Monroe also sent to Jackson a list of appointees for all the posts, none of who had been recommended by the latter. George Walton of Georgia was named Secretary of West Florida and W. G. D. Worthington of Maryland, of East Flor-

12. Andrew Jackson to John Quincy Adams, July 29, 1821, in *Senate Papers*, 17 Congress, 1 Session, No. 1; also Parton, *Andrew Jackson*, II, 600.

13. John Quincy Adams to Andrew Jackson, March 12, 1821, May 22, 1821, Jackson Papers.

ida. Eligius Fromentin of Louisiana was named United States Judge for West Florida and William P. DuVal of Kentucky, for East Florida. James G. Forbes of New York was named marshal.¹⁴ Jackson was infuriated and scrawled in a note to Bronaugh, “. . . not one of those I recommended is appointed.” Aunt Rachel, as Mrs. Jackson was known to the staff and intimates, wrote, “There never was a man more disappointed than the General has been.” His nephew and secretary, A. J. Donelson revealed: “One motive for accepting the governorship was the promotion and assistance of his friends.”¹⁵

Jackson was particularly annoyed by the appointment of George Walton which he thought was done at the insistence of William H. Crawford of Georgia.¹⁶ He suspected Crawford of having led a move to censure him for his 1818 seizure of Spanish posts in Florida, and told Monroe that he could never admit a Crawford man to his confidence. Moreover, Jackson had recommended his former aide-de-camp Richard K. Call for the post. Monroe apologized but pointed out that Call had been retained in the army, and asserted, “Mr. Walton was strongly supported by the two Senators from Georgia . . . and Mr. Call was already provided for.”¹⁷

The other appointees did not please the governor either and he complained that he was acquainted with but two of

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14. *Ibid.* Other appointees were: Alexander Anderson (Tennessee), U. S. Attorney for West Florida; John C. Bird (Georgia), U. S. Attorney for East Florida; Mark Harden (North Carolina), Collector of Customs at St. Marks; John Rodman (New York), Collector of Customs at St. Augustine; R. S. Hackley (Virginia), Inspector of Revenue at St. Augustine; Alexander Scott (District of Columbia), Collector of Customs at Pensacola; William S. Smith (District of Columbia), Naval Officer at Pensacola; and Charles Jenkins (South Carolina), Inspector of Revenue at Pensacola.
 15. Andrew Jackson to James C. Bronaugh, June 9, 1821, in J. S. Bassett, editor, *Correspondence of Andrew Jackson* (Washington, 1928), III, 65; Rachel Jackson to [a brother], August 25, 1821, A. J. Donelson to ---, no date, both cited in “Journal of Governor R. K. Call.”
 16. Andrew Jackson to John C. Calhoun, July 29, 1821, Jackson Papers.
 17. James Monroe to Andrew Jackson, May 23, 1821, in S. M. Hamilton, *The Writings of James Monroe* (New York, 1902), VI, 184-185.

them, DuVal and Fromentin. DuVal seemed to him to be of good character, "but of very moderate capacity as a lawyer." Very bad reports were circulated about Fromentin, and Jackson said that all who knew the man were astonished at his appointment. The old soldier spent several sentences chiding the president upon his poor appointees and informed him that none of them were on the scene to assist him. He promised, however, to organize the government with the aid of his "old and faithful companions."¹⁸

Having arranged the transfer ceremonies and exchanged letters with the president on his appointments, Jackson entered Pensacola at half past six in the morning of July 17. After breakfasting with Rachel and his staff, he prepared for the formal surrender by Callava at ten o'clock. At the appointed hour the new American governor and the other United States officers present advanced across the plaza between saluting ranks of Spanish and American troops to the Government House. There Jackson and Call, for the United States, and Callava and Jose Cruzat, for Spain, signed the transfer agreement.¹⁹ The party then passed again into the plaza where the Spanish colors were lowered and the stars and stripes hoisted, "with the tune of 'long may it wave, o'er the land of the free and the home of the brave.'"²⁰ Florida was at last legally United States territory and Jackson was its governor. The next day the Spanish garrison sailed away to Havana, except for thirty-six officers who were allowed to stay on condition that they leave within six months. Among them was Jose Callava who stayed on in his capacity as Spanish commissioner for the transfer.

18. Andrew Jackson to James Monroe, August 4, 1821, Jackson Papers.

19. Andrew Jackson to John Quincy Adams, July 17, 1821, in *Senate Papers*, 17 Congress, 1 Session, No. 1.

20. Andrew Jackson to W. G. D. Worthington, July 26, 1821, Jackson Papers.

The capital city which Jackson was taking over was not a very impressive place. Land speculators, swindlers, gamblers, and soldiers of fortune swarmed through the streets, which incessant rains and heavy traffic turned into quagmires. All the houses were in a state of dilapidation and looked "old as time" to Rachel Jackson. The new governor refused to occupy the Government House which he found propped up with unhewn timbers. It was in "a ruinous state . . . considered unsafe," he reported. He found the barracks uninhabitable and quartered the troops in blockhouses and the hospital, all of which were filthy but had been repaired. The habits of the inhabitants, both old and new, were disturbing to the Presbyterian morality of Aunt Rachel and her objections were reflected in the laws enacted by Jackson.²¹

After the transfer, Jackson issued proclamations organizing the city government of Pensacola and enacting certain ordinances into law. He found no Spanish city officers except an alcalde, but learning that a cabildo had once existed he used that as a precedent for creating a town council composed of a mayor and six aldermen. George Bowie was appointed mayor and the aldermen included William Barnett, Henry Michelet, John Innerarity, and John Brosnaham. Brackenridge was named alcalde, Bronaugh was named resident physician, John D. Voorhees became health officer, James C. Craig was appointed constable, and Oliver Clark was made harbor master.²²

The mayor and aldermen were empowered to impose fines and forfeitures and to exercise any powers "necessary to the good Government of the said Town." This specifically included the power to make any regulations concerning Sabbath observance. The ordinance prohibited public gaming houses and

21. Rachel Jackson to Eliza Kingsley, July 23, 1821, in Parton, *Andrew Jackson*, II, 606; Andrew Jackson to John Quincy Adams, July 30, 1821, Jackson Papers; J. C. Bronaugh and H. M. Brackenridge to Andrew Jackson, May 7, 1821, in *Senate Papers*, 17 Congress, 1 Session, No. 1.
22. Commissions issued July 19, 1821, Jackson Papers.

gaming, except for billiards. Violation was punishable by a \$200 fine and the posting of a \$500 good behavior bond. Liquor dealers were forbidden to sell intoxicating beverages to soldiers of the United States Army.²³ These laws undoubtedly reflected the influence of Aunt Rachel who looked upon them with approval, observing, "really a change was necessary."²⁴ Though the broad powers conferred upon the city council appear not to have been abused, these restrictions were seized upon by many of Jackson's enemies, who saw in them a tendency on the part of the governor to curb constitutional liberties.

In the days which followed, Jackson made other regulations, some of which reformed the chaotic Spanish system which he was to continue. He made ordinances for the preservation of health, for the establishment of rates of pilotage, for the registration of old inhabitants who wish to be American citizens; and for the creation of a territorial judiciary. Two counties were created, St. Johns east of the Suwannee river, and Escambia west of that stream. A county court was ordained for each, consisting of five justices of the peace having jurisdiction in all criminal cases and in civil cases over twenty dollars. The governor served as court of highest appeal and in no case was any capital punishment to be inflicted without the approval of the governor. Civil proceedings were to follow the Spanish law but criminal proceedings were to be conducted in accordance with common law. This guaranteed indictment and trial by jury in all criminal cases.²⁵

The county courts were also to be the county governments. This was not an unusual procedure in frontier areas particularly in the South. A clerk, sheriff, and prosecuting attorney were to be appointed by the governor for each court. The

23. Proclamation of July 17, 1821, Jackson Papers.

24. Rachel Jackson to Eliza Kingsley, July 23, 1821, *loc. cit.*

25. Ordinances of July 17, 20, 21, 1821, Jackson Papers.

county courts were empowered to impose those taxes needed to defray their expenses, a provision which was attacked by political enemies because Jackson himself had been denied the taxing power. David Shannon was named presiding judge of the Escambia court and John Miller, clerk. Jackson sent Secretary Worthington blank commissions for organizing the St. Johns county court, but notified him that he had already promised the posts of sheriff, prosecuting attorney, and clerk. He declared that his desire had been to give preference to old inhabitants in making appointments, but that he had found few of them willing to accept or remain in office.²⁶ As a result, most of the offices went to his old cronies or their friends. One of the great burdens of Jackson's tenure of office was disposal of the patronage. The Jackson papers in the Library of Congress abound with letters from his old comrades, or friends of old comrades, asking appointments for themselves or their relatives.

In St. Augustine the transfer of authority had come one week earlier than in Pensacola. Just as in the latter place, however, Monroe's civil appointees had not arrived at the time of the change of flags and provisional powers were exercised by military officers. Jackson's order clothing Worthington with all the powers of the Spanish governor of East Florida was transmitted by Colonel Robert Butler, the receiving officer, to Captain John R. Bell to exercise until Worthington should arrive.²⁷ Although Jackson extended the county court system to the old East Florida province, he told Worthington to continue the Spanish form of city government in St. Augustine. That government had been better organized than the one in Pensacola, having an *alcalde*, *cabildo*, and judge. Jackson instructed Worth-

26. Commissions of July 19, 1821, Andrew Jackson to W. G. D. Worthington, July 26, 1821, Andrew Jackson to John Quincy Adams, July 30, 1821, all in Jackson Papers.

27. Robert Butler to John R. Bell, July 11, 1821, Jackson Papers.

ington to continue native incumbents in office if they were of good character and would take the oath of allegiance. Only one of the old officers was willing to comply with this requirement.²⁸

During Jackson's governorship, his chief headaches in East Florida arose from the differences between the civil authority, under Worthington, and the military, under Bell. A major point at issue was the use of public buildings. The civil authorities insisted upon the use of several buildings in which Bell wished to quarter his troops, who he claimed were suffering from their residence in cold, dank Castillo de San Marcos. Jackson sympathized with Bell and the situation of the troops, but sided with the civil authorities. He expressed his regret to Bell that any difference had arisen, but declared that he must honor all requests made by Worthington for the purpose of enforcing the laws and administering the government.²⁹ This was not now General Jackson speaking, but civilian Governor Jackson upholding the power of civilian Secretary Worthington. (See Appendix I.)

Arrest of Former Governor Callava

In West Florida the problems which beset the new governor were of more spectacular character. During the month of August an important controversy arose which may be partially blamed on the chaotic state of government in the last years of Spanish rule and the confused condition of the archives. The natural heirs of Don Nicholas Maria Vidal - motivated by the chief claimant Mercedes Vidal, a woman of mixed blood - instituted proceedings to recover certain documents relating to the administration of his estate. Vidal had died in 1806 and since that time no action had been successfully sustained to force the firm of Forbes and Company, admin-

28. Andrew Jackson to W. G. D. Worthington, August 13, 1821, Jackson Papers.

29. Andrew Jackson to John R. Bell, December 19, 1821, Jackson Papers.

istrators of the estate, to pay the claimants their inheritance. John Innerarity, the resident manager of the firm in Pensacola, was a long-time friend of former Governor Callava and it was suspected that his influence had delayed the execution of the Vidal will.

With the coming of American rule, the Vidal heirs retained Henry M. Brackenridge and Richard K. Call as their attorneys. With such influential counsel, immediate results were to be expected. Brackenridge examined papers held by Domingo Sousa, a clerk to Callava, in which the heirs charged their vital documents were located. His examination determined that the Vidal papers were in Sousa's possession, and furthermore that all the papers held by Sousa were of such importance that they should be surrendered to the new regime. Jackson promptly issued an order for acquisition of the papers, but Sousa meanwhile took the collection to Callava. Jackson became convinced that Callava was in a conspiracy with Forbes and Company to defraud the Vidal heirs, and demanded of Callava immediate possession of the papers.³⁰

A delegation of officials called upon Callava to request the papers, which he refused to hand over. He defied threats of seizure, saying that as commissioner of Spain for the transfer he was entitled to diplomatic immunity. Later the same day, Jackson requisitioned a detachment of troops from the military commandant and appointed a committee consisting of Shannon, Brackenridge, Bronaugh, Walton, and Thomas Brownjohn to wait upon Callava and seize the papers if necessary. Callava proved to be adamant in his refusal; consequently he was arrested and the papers taken. The Spaniard protested that he would not be taken from his home alive but spectators observed, he seemed to act without much difficulty when the

30. Robert Butler and J. C. Bronaugh to Andrew Jackson, August 22, 1821, in *State Papers*, 17 Congress, 1 Session, No. 42; Thomas, *History of Military Government*, 81-82.

guard was ordered to prime and load." ³¹ After a stormy interview with Jackson, Callava was committed to jail overnight and the papers were removed from his residence.

Despite the fact that two courts were in operation in Pensacola, the county court and the federal court presided over by Fromentin, it is interesting to note that the Vidal counsel made no move to secure the controversial papers through action by these lower courts. Instead they resorted to a direct appeal to the executive, who believed that he held the supreme judicial power by virtue of the ill-defined grant of powers to him. It is also interesting to note that Shannon, the presiding judge of the county court, was among the persons sent to demand the documents of Callava. ³²

During the transfer period and thereafter, the former Spanish governor had become friendly with many of the new officers, including Judge Fromentin and Colonel George M. Brooke who commanded the army detachment in Pensacola. Indeed, the Spaniard was an attractive, gracious, and impressive gentleman, tall, blonde, about forty years of age and marked by nobility of bearing and manner. It is not surprising that in the crude little town many a gentleman was attracted to his company. After Callava's incarceration, several of his friends made an oral application to Fromentin for a writ of *habeas corpus*, which he granted. The writ was served on the officer of the day by Dr. John Brosnaham, a city alderman, but the officer refused to comply with it and passed it on to the governor. Jackson summarily rejected the writ and ordered Fromentin to appear before him to show cause for his attempted interference with Jackson's authority as supreme judge and chancellor. When Fromentin appeared Jackson sternly pointed out to him that he had issued the writ without an affidavit and without possessing such authority in the first place. To Secretary Adams, Jackson pointed

31. *Ibid.*

32. *State Papers*, 17 Congress, 1 Session, No. 42.

out that it was well understood that by act of Congress Fromentin's jurisdiction extended only to revenue laws and acts preventing the import of slaves. Fromentin admitted to Jackson that the writ had been ill advised, and he had earlier complained of the vague definition of his jurisdiction. The governor insisted that the judge's action had been "unaccountable, indecorous, and unjustifiable," and was indicative of his complete lack of legal knowledge.³³ Jackson later heard the case himself and ruled in favor of the Vidal heirs.

Jackson's action in setting aside the writ, reprimanding a federal judge, and hearing the Vidal case himself, brought severe criticism from his political enemies and those who have not understood the confusions and contradictions of the web of Spanish and United States law on which the provisional government was based. Fromentin pointed up the confusion of powers when he wrote to Adams, "I should not be surprised if, to all the pompous titles by him enumerated . . . he should superadd that of grand inquisitor, and if, finding in my library many books formerly prohibited in Spain, . . . he should send me to the stake."³⁴ Jackson, himself, asserted that through the whole Vidal affair he had been motivated primarily by concern for "the imperious rules of justice, to save the unprotected orphan from being ruined by the most cruel oppression." He regretted the necessity for the use of his judicial powers but insisted that all his actions had been regular and necessary. There was no course, he said, but to view Callava as a private individual "setting my authority at defiance" with the encouragement of American citizens and the executors of the Vidal estate. The wealth and influence of the executors should not entitle them to any preference before the law: "In general the

33. MS. Diary of R. K. Call, Call Papers, University of North Carolina Library; *State Papers*, 17 Congress, 1 Session, No. 1; John Spencer Bassett, *The Life of Andrew Jackson* (New York, 1916), I, 301.

34. Eligius Fromentin to John Quincy Adams, August 26, 1821, in *State Papers*, 17 Congress, 1 Session, No. 42.

great can protect themselves, but the poor and humble require the arm and shield of the law.“³⁵

By normal standards Jackson's procedure would have been deemed irregular, but this was not a normal situation, and in the circumstances his actions were by no means as irregular as those of Fromentin and Callava. Callava had documents to which Jackson was entitled, and would not deliver them up. Fromentin had jurisdiction only in cases involving federal law, and no laws of the United States had been extended to Florida except those pertaining to revenue and regulation of the slave trade. Secretary Adams defended Jackson ably and agreed with the interpretation of the limitations on Fromentin's power. He was, however, sympathetic to Callava's complaints of personal indignities and admonished Jackson gently that the Spaniard had been entitled to all the immunities necessary for the execution of his trust as commissioner of the King of Spain.³⁶

Many who have been critical of the assumption of judicial powers by Jackson have dwelt on the fact that the Spanish constitution of 1820 had stripped executive officers of judicial power. In Florida, however, no judge had been appointed and Callava found it expedient to insist that at the time of transfer there had been no Spanish official capable of exercising judicial functions. Jackson, however, did not believe that the 1820 constitution had ever been legally promulgated in Florida and assumed that the old laws should still be in effect. Moreover, he believed that the intent of the Congress had been that he should exercise the same broad executive and judicial powers which the first American governor of Louisiana had possessed. The wording of the law, and his instructions, bear out that assumption. Ultimately, both Adams and Monroe supported Jackson, and in thanking Monroe for his endorsement Jackson wrote, "I had

35. Andrew Jackson to John Quincy Adams, August 26, 1821, *ibid.*

36. John Quincy Adams to Andrew Jackson, October 26, 1821, *ibid.*

an eye to justice to all, and protection of the humble from the Tyranny and oppression of the powerful and great." ³⁷

After his release, Callava had proceeded to Washington to lay his complaints before the Spanish minister. His officers remaining in Pensacola published a joint protest against the treatment which had been accorded him, and Jackson retaliated with a proclamation ordering them out of the country within four days. He accused them of stirring up disaffection and sowing discontent and charged that they had committed "a violation of that decency and respect which is due me." ³⁸ After their departure he ordered Walton, "should any of them attempt to return, have them forthwith imprisoned, and retained there untill further notice." From Pensacola, the expelled officers went to New Orleans where they met with a cool reception. (See Appendix II and III.)

Despite his preoccupation with the Vidal case and with erecting city, county, and territorial governments, Jackson concerned himself with the problem of the Florida Indians. Even before occupying Pensacola he had made recommendations to Secretary of War Calhoun in respect to Indian policy. The substance of his recommendation, which was often repeated, was that the Indians should be evacuated from the territory. The "Florida Indians" in 1821 were a hybrid people made up of the aborigines who survived the campaigns of Governor Moore of South Carolina in the early 1700's, Creeks who migrated into Spanish Florida during the mid 1700's and became known as Seminoles, and Negro slaves. Jackson asserted that the greater part of the Indians were run-away Creeks and should be removed to the Creek nation. He believed that unless they were removed at the beginning disagreeable consequences

37. Andrew Jackson to James Monroe, November 12, 1821, Jackson Papers.

38. Proclamation of September 29, 1821 by Jackson, Andrew Jackson to John Quincy Adams, September 30, 1821, both in *State Papers*, 17 Congress, 1 Session, No. 42.

would result from their remaining and the government would find them difficult to control.³⁹

Calhoun approved of Indian removal in principal, but informed Jackson that Georgia objected to their being sent to the Creek nation (which was in the bounds of Georgia) because that would prolong the time of the extinguishment of the Indian title to lands in Georgia.⁴⁰ Even in Florida the question of the title of Indians to land was raised during Jackson's administration. Spanish policy toward Indian lands had been contradictory and some Indian lands were said to have been granted away by the Crown. Some argued that the cession had abrogated all titles, while others argued that there never had been any Indian title to lands. The latter argument was patently false, however, for Spain had made a treaty in 1784 with the Indians in which they had been confirmed in the lands which they actually held within Spanish territory.⁴¹ In his suggestions for removal, Jackson did not treat of the legal aspects of extinguishing Indian claims in Florida.

In East Florida a breath of fresh air was breathed into the Indian controversy by an old inhabitant, George J. F. Clarke, whose remarks to Captain Bell in St. Augustine bear the imprint of an optimistic, almost Jeffersonian, rationalism. Clarke defined the property rights which the Indians had possessed under the old regime and went on to express the hope that the Indian could be civilized. Those who were cynical of that goal he called limited in conception and illiberal of mind. "Are we not all the children of habit," he wrote, "the mere reflection of education and manners? . . . It is evident that the only difference in man, laying aside his color, is the difference in opinion; and that difference of opinion arises from the difference of education." Country and color, he suggested, do not set limits to man's

39. Andrew Jackson to John C. Calhoun, September 2, 17, 1821, in *American State Papers: Indian Affairs*, II, 414.

40. John C. Calhoun to Andrew Jackson, May 14, 1821, Jackson Papers.

41. *American State Papers: Indian Affairs*, II, 412, 416.

capabilities.⁴² Andrew Jackson, the Indian fighter, the frontiersman, the slaveholder, the patriarch, was not possessed of such philosophic convictions.

Jackson's attitude toward the Indian was not as savage as sometimes painted, however. It was paternal. The Indians should be put under the protection of the Great White Father in Washington and deposited in some out of the way place where they would neither menace whites nor impede their expansion. In developing this paternalistic line of thought he anticipated the policy which was adopted by the government in 1871 - the policy of dealing with the tribes as subjects governed by laws of Congress, and not as nations with whom treaties are made. He told Calhoun, "the arm of government is sufficient to protect them, and to carry into execution any measures called for by justice to them. . . . Hence the absurdity of holding treaties with Indian tribes within our territorial limits, subject to our sovereignty."⁴³

Two months after the transfer Jackson was visited by three Indian chiefs, Neamathla, Mulatto King, and John Blount, who were concerned with what was to be done to their people by the new government. Jackson talked to them somewhat as to children and assured them that a country would be given to them somewhere by the president. In his report of the interview the governor asserted that they acknowledged the justice of forcing the Creeks to return to their own nation. They left, he said, pleased and happy. After this interview, Jackson suggested to Calhoun that the Indians should be concentrated in the upper Apalachicola river valley, but again he warned that *best* policy would be to remove them all to Creek country.⁴⁴

Less than a month after his assumption of the governorship Jackson began to complain of the burden upon his health of

42. George J. F. Clarke to John R. Bell, August 15, 1821, *ibid.*, 415-416.

43. Andrew Jackson to John C. Calhoun, September 17, 1821, Jackson Papers.

44. Andrew Jackson to John C. Calhoun, September 20, 1821, Jackson Papers.

the arduous duties of his office. The paper work tired him and the disputes with Spanish officialdom tried his patience. The heat and long wait in camp while the transfer negotiations had progressed had sapped his strength and he looked longingly to the day when he might have "a little leisure."⁴⁵ His former aide, Captain Call, observed that the administration of the provisional government had taken as much out of Jackson as had the earlier campaigns against the Indians. In addition, the annoyance of not having control of the major appointive offices increased his dissatisfaction. This was played upon by his wife and his intimates, who thought that he should have possessed the power. Though Rachel Jackson had found some diversion in the attention which she received as first lady, she had many misgivings about her residence in this "heathen land" and her dissatisfaction and ill health undoubtedly added to the problems burdening the governor's mind.

Beyond his personal fatigue and irritation may also have lain the lure of the presidency. In August, one of Jackson's Tennessee friends, Samuel Overton, had informed him that "the dominant party in Pennsylvania are determined to run you as a candidate for the next Presidency." Overton urged him to give serious consideration to the matter and added, "If the people believe that you can render them important services . . . they ought to be gratified."⁴⁶ Though Jackson is known to have favored Calhoun for the presidency at this time, the possibility that his arch enemy Crawford would be a strong contender for the office must have worked to prevent Jackson's completely excluding himself from the picture. His Florida experiences were being turned to unfavorable ends by his enemies, and the frontier territory was a long way from the main national political scene. Hence, presidential politics may have been another underlying factor in his decision to leave.

45. Andrew Jackson to John Quincy Adams, August 4, 1821, Jackson Papers.

46. Samuel Overton to Andrew Jackson, August 1, 1821, Jackson Papers.

Jackson's acceptance of the governorship had been given on condition that he might resign as soon as the government had been securely organized. By September he decided that this condition had been fulfilled and began to make plans to return to Tennessee. On the second of that month he informed Calhoun that the state of Mrs. Jackson's health compelled him to return her to Tennessee as soon as possible. By the first week in October all preparations were complete and after a farewell dinner at Austin's Tavern on the night of the fourth the governor and his lady took their leave of Florida.⁴⁷

Upon his arrival in Nashville, Jackson forwarded his resignation to the president, to take effect at the meeting of Congress in December. He expressed his willingness to return to Florida "if necessary to the public service."⁴⁸ (See Appendix II.) During his absence the direction of the government in Florida fell into the hands of the two secretaries. In Pensacola, George Walton whom Jackson had suspiciously viewed as a Crawford man thus became acting governor. Association with Walton, however, had altered the governor's opinion and he told President Monroe, "I must say that I have found him a pleasant gentlemanly man, and with application will become a useful officer."⁴⁹ Nonetheless, Walton was not viewed as a possible successor to the governorship of the whole territory, for Jackson hoped to have Colonel William King succeed him, and some of his followers in Florida got up a petition to that effect.⁵⁰ Monroe, however, had other plans.

From his Tennessee home, Jackson directed his final suggestions to the administration concerning the government of Florida. Because of the mixed population and frontier character of the area, he believed that its government ought to be "simple and

47. Pensacola *Floridian*, October 8, 1821.

48. Andrew Jackson to John C. Calhoun, September 2, 1821, Jackson Papers.

49. Andrew Jackson to James Monroe, November 12, 1821, Jackson Papers.

50. R. K. Call to Andrew Jackson, October 30, 1821, Jackson Papers.

energetic." Preservation of Spanish institutions was not necessary nor important because the number of Spanish inhabitants was so insignificant. The proper goal of the federal government, Jackson affirmed, should be to unify East and West Florida and admit them to the union as one state as speedily as possible. It was his opinion that only that course would serve the best interests of Florida.⁵¹

Appraisal of Jackson's Governorship

Historians and biographers have treated Andrew Jackson's governorship of Florida with varying degrees of hostility and sympathy, varying generally with their overall sympathy for or hostility towards the man. All agree that he was governor in a trying period, and that his powers and duties were ill-defined. At one extreme, David Yancey Thomas has called Jackson's alterations of the existing government "high crimes and misdemeanors" for which there was "no legal excuse."⁵² At the other extreme, John Spencer Bassett described those changes as "wisely planned" and asserted that Jackson was "practical and bold and did not hesitate to override the letter in order to enforce the spirit of a law."⁵³ Somewhat less hostile than Thomas were James Parton and William G. Sumner, who both conceded that Jackson was well intentioned. Parton suggested that Jackson's governorship "was only saved from being atrocious by being ridiculous."⁵⁴ Sumner believed that Jackson made an "arrogant fool" of himself.⁵⁵ James Schouler was of the opinion that the governor was an "indiscreet soldier" and that his whole mission "had been one of ill humor."⁵⁶ A recent biographer,

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51. Andrew Jackson to John Quincy Adams, October 6, 1821, Jackson Papers.
 52. Thomas, *History of Military Government*, 75-76.
 53. Bassett, *Life of Andrew Jackson*, I, 315-317.
 54. Parton, *Andrew Jackson*, II, 641-642.
 55. William Graham Sumner, *Andrew Jackson* (Boston, 1899), 89.
 56. James Schouler, *History of the United States of America under the Constitution* (New York, 1913), III, 244.

Marquis James, leans to the Bassett interpretation and concedes that Jackson took some "short cuts to justice" but he insists that his actions were more regular than those of Callava or Fromentin.⁵⁷

The writers who are sharply critical of Jackson emphasize his lack of tact, his impatience with involved procedure, his vanity, his crudity, his discourtesy toward Spanish officials, and such personal shortcomings. They are the writers who as they have read the historical sources have been shocked by Jackson's roughness and lack of polish and, perhaps unconsciously, have allied themselves with the political opponents of Jackson and the democratic movement with which he was later associated. Like those contemporary political opponents, they too have picked out the elements which are most open to criticism. By the same token, we might charge the defenders of Jackson with being men who have fallen under the spell of the "Old Hero" and his later political associates, and who love him for his virtues in spite of his faults.

Yet looking at Jackson's administration in Florida - which lasted only slightly more than eleven weeks - we may ask what he did that may be classed as a gross error? He reformed the existing government, much to its betterment. He did not exploit his office for any personal gain. Though he placed his own construction upon them, he did not violate the laws of the United States or the instructions given to him. Though he took lightly the obligations of international law, he was ably defended by the crusty old Secretary of State, John Quincy Adams, who could usually balance off his dubious actions with irregularities on the part of Spanish officials.

In charging Jackson with high crimes and misdemeanors, D. Y. Thomas makes much of the fact that Jackson ignored the Spanish constitution of 1820 which stripped executive officers of legislative and judicial powers. Had Jackson observed this

57. James, *Andrew Jackson Border Captain*, 354, 356.

law his hands would have been tied to take any action in Florida. This argument also ignores the fact that Jackson was instructed to generally pattern his regime after that of the original territorial government of Louisiana, in which the governor was vested with legislative and judicial powers. It also ignores the fact that the Spanish constitution of 1820 had not even been enforced in Florida by the preceding Spanish regime. Under all the circumstances it does not seem even remotely possible that anyone could have found Jackson guilty of high crimes and misdemeanors. Even the most critical historians (albeit with an air of revulsion) admit that the people in general favored Jackson's conduct of affairs in Florida.

The governorship of Florida was only a brief moment in Jackson's life. It was a moment important in Florida, however, because of the formative period in which it took place. The men who came with Jackson did not leave Florida, but remained to become the new leaders of a new territory. On the scene first, they became the established, influential political leaders and their ties with the popular hero were exploited to the fullest. It is interesting to note that this Jacksonian faction two decades later, however, was the nucleus of Florida's Whig party, the mortal foes of Jackson's Democracy.

APPENDIX I

(*Andrew Jackson to Captain John Bell*)*

Pensacola, 1st October, 1821

The Commanding Officer
of the U. States Troops at

St. Augustine

Sir,

You will comply with the requisitions made upon you by Mr.

* The originals of this and the letters of Jackson's which follow are in the P. K. Yonge Library of Florida History, University of Florida. They are not included in Bassett: *Correspondence of Andrew Johnson*, 6 vols. The Carnegie Institution of Washington, 1926.

G. D. Worthington Esq. Secretary for East Florida for the purpose of enforcing the laws and enabling him to administer the government agreeably to his instructions. I confidently trust that the utmost harmony will exist between the military and civil departments of the Government.

I am sir
with gr. respect
yr. mo. obt. Sevt.
Andrew Jackson
Gov of the Floridas

[Endorsed on the back in a different hand, as follows:]

This order of Genl Jacksons grew out of a difference between myself & the Military, at St. Augustine, which we referred to Genl Jackson, who decided it entirely in my favor. My letter to him was a bold & manly claim of the Civil above the Military authority. I lost his reply to me. It did him much credit. When he was last in the Senate US, I wrote him for a copy of it. He promised it but said his papers were all left by him at the Hermitage. I never renewed the request, as I always opposed his election to the Presidency.

W.G.D. Worthington

To Dr. Cohen

Sepr 13th 1845

[Following also on the back of the Jackson letter of October 1, 1821]

Balte Sepr 13 1845

To Dr. Cohen-Balte,

Dear Sir-

I was appointed by Mr. Monroe President US as Secretary for East Florida. Col Walton under Genl Jackson as Secretary for West Florida. While Genl. Jackson remained at Pensacola he had the powers of the Captain Genl. of the Island of Cuba - His health forcing him to quit Florida in the Fall of 1821 - I was formally commissioned by him as Governor of East Florida of

which I had been in fact the Governor all along & so instructed by the President in our last interview before I left Washington for St. Augustine. You have on this paper the late General Jackson's autograph.

Yours sincerely
W.G.D. Worthington

APPENDIX II

(Andrew Jackson to George Walton)

Huntsville Octbr. 29th 1821

Dr. Colo.

I reached this place on the evening of the 26th Instant all in good health and the ladies in good spirits - a few little accidents such as the breaking harnesses which with the aid of blacksmith shops where the[y] could be had, and when not to be had, the aid of good ropes we got on very well. One of my carriage horses proving restive, and failing to draw, and my old trusty carriage horse being much fatigued, made it necessary at Tuskalooosa, to exchange my restive horse which I accomplished, giving fifty dollars to boot. This horse proved faithfull for a few days, when it appeared he had the glanders. I have left him calmly to die, with my blessings on the honest man, who let me have him - and my prayers that he may derive much benefit from the fifty dollars I gave him.

Being informed that the Southern mail would arive here on this day, I awaited its arival, in hopes to hear from you, but no southern mail came in, & the Floridian of the 8th has not reached here except by us. I proceed on to Nashville tomorrow, where I hope to hear from you. The road we travelled was out of the way of news, I see from the Eastern papers, that Callava had reached the city, ¹ where he met with a cool reception and

1. In this era Washington, D. C., was widely known as Washington City. Since Callava went to Washington from Pensacola, it is obvious that "city" here refers to the national capital.

proceeded on to New-York to overtake Genl Vives ² who has left the city for Madrid. I have seen the farewell adress of the Spanish officers, should any of them attempt to return, have them forthwith imprisoned, and retained there untill further advised. ³

I see it is announced in the Federal Republican, that Fromentine ⁴ was the only Individual at Pensacola who disapproved of the imprisonment of Callava - on which there is a very pertinent remark in the National Intelligencer - from which I presume the Executive disapproves his conduct in that case. Should it be necessary that I should return, disagreeable as it may be to me, I will unite with you in twelve days from the receipt of your advice. I therefore trust you will keep me advised by every mail. As soon as I reach Nashville I shall again adress you. Present me respectfully to all my friends and accept assurance of my sincere regard.

ANDREW JACKSON

COLO. G. WALTON

APPENDIX III

(Andrew Jackson to George Walton)

Hermitage near Nashville

Novbr. 13th 1821 - 10 oclock P.M.

Dr. Colo.

This moment the anxiously waited for communication reached

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2. General Francisco Dionisio Vives was Spanish minister to the United States who replaced Luis de Onis while negotiations about ratification of the Florida treaty were going on.
 3. After the departure of Callava his officers protested the treatment accorded him by Jackson. As a result, Jackson ordered them to leave Florida within four days.
 4. Judge Eligius Fromentin was a native of France and had been educated in a Jesuit college, after which he became a priest. He took refuge from the French Revolution in Louisiana, where he studied law and entered politics. He temporarily returned to France after the restoration of the Bourbons, but finding no opportunity there for the exercise of his talents he returned to Louisiana. The influence of his wife's family got him the appointment to the West Florida judgeship. He was incompetent and was replaced in 1823 with Henry M. Brackenridge.

me, and as the mail leaves Nashville tomorrow early I have but a moment to reply. I am happy to find that peace order & tranquility reigns in Pensacola and Florida. I knew so soon as the Spanish officers were taught to know that respect due to the American Govt, peace and tranquility would prevail; as it now does. I am just advised that Callava meeting with a very cool climate to the Eastward, has returned to Charleston South Carolina. This being not warm enough for his *ill health* he has sailed for Cuba. Should he visit Pensacola I trust whilst he stays (should he stay beyond your notice to depart, D) that you will have him for his contemptuous conduct safely kept in the calabos. I am gratified to find from the letter of Mr. Monroe that my conduct as far as considered is approved. This letter altho official is of a nature not to be copied in your official record, altho you were right to preserve a copy least the original on its passage might have been lost. The whole package came to me wet, and much abused, but all legible; it is what I expected to hear, that those Spanish officers would not be received in Orleans with much approbation - particularly as Gellmar⁵ one of them piloted the British army when they invaded the country and made the advance on New Orleans, and I suppose from that time to the present he has not visited New Orleans. I do suppose Judge Fromentine with all his Jesuistical cunning begins to think that it would have been better for him to have aided me in the administration of the government agreeable to his instructions, than acting the fool for Spanish perfidy, and then, stating a wicked and willfull falsehood, to relieve him from his humbled situation that his rashness, ignorance & folly had placed him, however when those things are published to the world he will find that his secretly circulating mutilated statement of the facts will be unfolded to the world and his baseness in this exposed. Please present me to my friend Capt Call. Say to him I have recd his letters and will answer them as early as possible.

5. Arnaldo Guillemard, one of the Spanish officers.

I wrote him from Judge Overton's on the 5th Instant which I hope will reach him by due course of mail.

I have only time to add, that we arrived home on the evening of the 5th the ladies in good health, and all the Gentlemen and servants except Mrs. J. maid taken on the journey & who is still ill. The Ladies & Gentlemen join me in a tender of our respects and regard to you, with a request that we be presented by you respectfully to all our friends in Pensacola, in due time you shall hear from me again, in the mean time accept the assurance of my esteem & regard & beleive me to be yr mo obt servt

ANDREW JACKSON

P S. I have the pleasure to say to you our friend Capt Easter ⁶ is now with me and requests to be affectionately presented to you. He has perfectly recovered his health. Colo. Butler ⁷ is with me, desires to be remember to you kindly (and thanks you for not presenting to him your respects in your letter) the latter part of his complement he means in jest. A.J.

[What follows is in a different hand.]

The Gnl having retired to bed and left me his letter to copy I slip in a how-d'y-do my old friends. I would be happy to hear from you. Glad to find you identified with our old chief. I shall see you early in Feby and hope ere then Mrs. Walton will have joined you. My love to Call & Dinkins ⁸ and for myself a long life and merry one. Farewell.

EASTER

COLONEL WALTON

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6. Captain Richard J. Easter, army officer, aide to Jackson, and later a law partner of Richard K. Call in Pensacola.
 7. Colonel Robert Butler, who served as Jackson's adjutant general in the New Orleans campaign. He was the agent to receive East Florida from the Spanish and was later a resident of Florida.
 8. Major James E. Dinkins, one of Jackson's officers since the battle at New Orleans. One of the many comrades of Jackson who went to Florida.